

### **REMARKS**

This Amendment After Final Rejection amends claim 1 and adds new claim 12. Support for the amendment to claim 1 and new claim 12 is found, for example, in the specification at page 2, lines 16-20; page 2, lines 29-31; and page 4, line 32 – page 5, line 4. Claims 1, 3, 11 and 12 are now pending in this application.

#### **Rejections Under 35 U.S.C. §112**

Claims 1, 3 and 11-12 are rejected under 35 U.S.C. §112, first paragraph, for reciting that each of the coated article, glass substrate and coating are transparent. While Applicants believe these limitations are supported in the original application, Applicants have amended claims 1 and 2 to use specific language from the specification. Reconsideration of these rejections is respectfully requested.

#### **Rejections Under 35 U.S.C. §103**

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 5,876,854 to Kawazu et al. (hereinafter "Kawazu"). In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to a coated article comprising a clear glass substrate selected from a flat glass sheet or a glass ribbon and a coating of a selected transmitted color consisting essentially of a mixture of copper oxide and manganese oxide over the substrate. The coating has a molar ratio of copper to manganese in the range of about 0.8 to 1.2. Additionally, the coated article has a blue color in transmission.

Kawazu is directed to a UV absorbing, colored film-covered glass article which comprises a glass substrate covered on the surface thereof with a UV absorbing, colored film which comprises, as main components expressed by wt %: silicon oxide (5-50); titanium oxide (5-70); cerium oxide (20-80); coloring fine particles of at least one member selected from the group consisting of gold, silver, platinum, palladium, cadmium sulfide and cadmium selenide (5-30); and at least one coloring metal oxide

selected from the group consisting of cobalt oxide, chromium oxide, copper oxide, manganese oxide, nickel oxide and iron oxide (0-30). According to Kawazu, the coloring fine particles are "necessary for obtaining a light or bright color. If the content of the particles is too low, satisfactory coloration cannot be expected." [Kawazu, column 2, lines 44-46]. The metal oxides of the Kawazu coating are mixed with the coloring fine particles to control the color tone as well as to provide a favorable tone to the colored film. [Kawazu, column 2, lines 57-59].

The coating of the Kawazu patent is unlike the coating of the claimed invention which consists essentially of a mixture of copper oxide and manganese oxide in a molar ratio of about 0.8 to 1.2. The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials or steps "and those that do not materially affect the basic and novel characteristics" of the claimed invention. *MPEP §2111.03*. The Kawazu patent specifically sets forth that the coloring fine particles are necessary for obtaining a light or bright color and that the metal oxides are used to simply control the color. Therefore, it follows that the inclusion of the coloring fine particles that are necessary for obtaining a light or bright color in the Kawazu patent would materially affect the basic characteristics of the claimed invention. For the foregoing reasons, claim 1 is believed to be patentable over the Kawazu patent. Removal of the rejection and allowance of claim 1 is respectfully requested.

Claim 11 depends from claim 1 and is believed patentable for the same reason as claim 1.

**Response Under 37 CFR 1.116**

**Expedited Procedure**

**Examining Group 1775**

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**CONCLUSION**

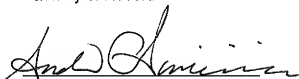
In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of claims 1, 3, 11 and 12 is respectfully requested.

Respectfully submitted,

ANDREW C. SIMINERIO

Registration No. 30,803

Attorney of Record

A handwritten signature in cursive script, appearing to read "Andrew C. Siminerio", written over a horizontal line.

Telephone: (412) 434-4645

Facsimile: (412) 434-4292

Pittsburgh, Pennsylvania

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